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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,423	07/31/2001	Gary L. Thunquest	10016887-1	4201

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EXAMINER

MURPHY, RHONDA L

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,423

Applicant(s)

THUNQUEST ET AL.

Examiner

Rhonda Murphy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/11/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informality: Page 7, line 28 contains a typographical error – the IP header section shall be designated as “515”.

Appropriate correction is required.

Claim Objections

2. Claim 8 is objected to because of the following informalities: Claim 8 improperly depends on non-existing claim 9 and shall depend on claim 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Boivie et al. (US 6,785,275).

Regarding claim 1, Boivie teaches a header section, wherein the header section includes a list of network addresses for the selected multiple remote destinations (col. 3,

lines 33-34; col. 4, lines 51-55; placing all of the multicast destination IP addresses in the options field); and a data section, wherein the data section comprises computer readable data to be transmitted to the selected multiple remote destinations (It is inherent for a data packet to contain a data section and data is capable of being read by computers).

Regarding claim 2, Boivie teaches the data packets comprising internetworking protocol (IP) data packets (col. 3, lines 34-36).

Regarding claim 3, Boivie teaches the header section including a specially formatted IP options field (col. 3, lines 29-48; the option field contains destination IP addresses).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boivie et al. (US 6,785,275).

Regarding claim 4, Boivie teaches the IP options field comprising: a code byte signifying that the data packet is a DAMP data packet (col. 3, lines 42-43; the code indicates a small group multicast. Since the code byte indicates the type of data packet, it would have been obvious to one having ordinary skill in the art to associate the DAMP data packet type with the small group multicast type described by Boivie); a length byte

specifying the length of the IP options field (col. 3, lines 43-44; the length indicates the total number of bytes for multicast destinations, which are located in the IP options field); and a number of multi-byte IP addresses, one for each of the selected multiple remote destinations (col. 3, lines 32-34; each of the multicast destination IP addresses represent a remote destination and addresses are capable of being multi-byte addresses).

7. Claims 5 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boivie in view of Maruyama (US 6,757,294).

Regarding claims 5 and 7, Boivie teaches the same limitations as described above in the rejection of claims 1-4. Furthermore, Boivie teaches a DAMP sending client (source node) embedding in a header section of a first data packet a formatted IP options field, wherein the IP options field includes identification of the data packet as a DAMP data packet (col. 5, lines 46-49; refer to the statements in claim 4); setting a source IP address field to the IP address of the DAMP sending client (col. 3, lines 38-39; the source IP address represents the source of the multicast packet).

Setting the destination IP address field to the non-zero IP address of one of the selected multiple remote destinations was not explicitly described by Boivie. However, Maruyama teaches setting a destination IP address as a primary destination with one of the multicast destinations (k) and eliminating the selected destination from the list of multicast destinations. Hence, the destination IP address field is set to a non-zero IP address – an address that is within the list of remote destinations to receive the

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transmitted packet, and the address being subsequently removed from the list (col. 5, lines 47-55).

In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to combine Boivie and Maruyama's method of setting the destination IP address field to a non-zero IP address, for the purpose of transmitting data to the appropriate remote destination, among the listed remote destination addresses.

Regarding claims 6 and 8, Boivie further teaches the same limitations as described above in the rejection of claim 4.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Boivie (US 2002/0101872) discloses a method and system for efficiently delivering content to multiple requesters.

*Boivie (US 6,625,773) discloses a system for multicast communications in packet switched networks.

*Ahmed et al. (US 6,765,896) discloses an address option for use in an internet protocol-based multimedia mobile network.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy
Examiner
Art Unit 2667

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800 3/14/07